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various districts which I have turned, both from the public and social workers, that there should be such a law and for want of it, we have witnessed large bodies of people going across the borders of dry districts and returning in a state of intoxication. Stories, I have also heard of people from a certain town in a certain dry area going in train-loads to wet areas and returning in all states of intoxication. Such trains are called 'Kallu Vandi.' Train journeys in such conditions cannot be tolerated by self-respecting people; much more so when women and children also have to make their journeys in such trains. Such state of affairs cannot be allowed to continue and this measure is intended to check and counteract that evil. I am sure that this measure will have a very whole effect upon the people and I beg the House to support the measure as it is a step in aid for the more effective implementing of the policy of Prohibition."

The motion that, that the Madras Prohibition (Amendment) Bill, 1947 (L.A. Bill No. 31 of 1947) as passed by the Assembly be taken into consideration at once, was put and declared carried but Sri Narayanaswami Nayudu challenged it for a division.

[The bells were rung and the doors were shut.]

The question was again put and declared carried *without a division*.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. MR. DANIEL THOMAS :—" I now move—
' that the Bill be passed into law.' "

The motion was put and carried and the Bill was passed into law.

The House rose for lunch.

(After lunch—2-30 p.m.)

(4) THE MADRAS SHOPS AND ESTABLISHMENTS BILL, 1947
(L.A. BILL NO. 15 OF 1947)

SRI B. NARAYANASWAMI NAYUDU :—" This Bill had been received only recently, and we had no time to go through this Bill. May I request the Hon. Minister whether consideration of this Bill cannot be adjourned to another day? "

MR. PRESIDENT :—" Why not the general discussion go on? Such of those members as would like to speak may speak. We shall not close it to-day."

SRI B. NARAYANASWAMI NAYUDU :—" General discussion will not be closed to-day, Sir? "

MR. PRESIDENT :—" May not be."

THE HON. SRI H. SITARAMA REDDI :—" Sir, this Bill has been discussed at great length in the Assembly . . . "

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MR. PRESIDENT :—" Please do not say so. We will like to discuss it equally long here."

THE HON. SRI H. SITARAMA REDDI :—" I suggest, Sir, that I will formally move the Bill, and let the general discussion be over to-day. There will be no need for hon. Members to give notice of amendments, because all possible amendments were moved and discussed in the select committee and also in the other House. The Bill has emerged after great discussion and deliberation. I take it there may not be any need for any amendments, because the labour members in the Assembly who are very much concerned with this Bill have taken a very active part in the discussion of this Bill. So, I suggest I may be allowed to move the Bill, and let there be a general discussion. If hon. Members want to move any amendments, they may give notice of amendments up to this evening so that they may be ready by tomorrow. This is my suggestion, Sir."

SRI R. SURYANARAYANA RAO :—" Sir, copies of this Bill reached us only yesterday. It is not possible for us to go through this Bill so soon. I would appeal to the Hon. Minister who is also new to this Bill, as much new perhaps as . . ."

MR. PRESIDENT :—" That is his look-out ! " (Laughter.)

SRI R. SURYANARAYANA RAO :—" We have none to coach us, as the Secretariat is behind the Hon. Minister to coach him up. Unless you wish that this session should not come to an abrupt end, we would like this Bill to be postponed for discussion for the next session."

THE HON. SRI H. SITARAMA REDDI :—" You mean both the Bills ? "

SRI R. SURYANARAYANA RAO :—" I would like to draw the attention of hon. Members to the fact that this Bill was published on the 7th January 1947. It was introduced recently in the Assembly. Nothing is going to happen by postponing the consideration of this Bill by 20 days or 15 days, because this is not like a Bill dealing with an Ordinance which is about to expire. There is no Ordinance at present. This Bill was published in the Gazette on January 7, 1947. They did not bring it before the Assembly till the other day. Then, as the Assembly was sitting, they moved for a select committee, and had this passed. Where is the urgency for this Bill to be passed in this session? I think, Sir, . . ."

MR. PRESIDENT :—" You may very well put it to the shop assistants and not to the Minister."

SRI R. SURYANARAYANA RAO :—" It is not as if shop assistants will go on strike if there is a little delay in passing this Bill. There are many provisions which need to be considered. Government may not be willing to accept our amendments, but still we would like to exercise our rights. The one thing that struck

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me is, in the case of employment of children and young persons, there is no provision for rest. Clause 19 says ' . . . no young person shall be required or allowed to work in any establishment for more than seven hours in any day and forty-two hours in any week, nor shall such person be allowed to work overtime.' But in the Bombay Act, there is a separate clause provided that there shall be a break after four hours . . . "

THE HON. SRI H. SITARAMA REDDI :—" This Bill also provides for that."

SRI R. SURYANARAYANA RAO :—" Sir, this section is dealing with a particular set of workers. It is not the ordinary adult worker. We are dealing with young persons. In Chapter IV it is said ' no young person shall be required or allowed to work . . . "

THE HON. SRI H. SITARAMA REDDI :—" That is a matter of detail which we can take up later."

SRI R. SURYANARAYANA RAO :—" Government may or may not accept our amendments. I quote this only as an instance, and I am sure that though members representing labour in the other House fought hard and got certain amendments accepted, there are also people in this House who may not consider themselves as labour leaders, but still are interested in shop assistants and clerks and others employed in establishments. We would like to have a little more time to go through this Bill, especially as it is supposed to be a reproduction of the Acts in other provinces. As it was stated in the statement of objects and reasons published in the Gazette . . . "

MR. PRESIDENT :—" We may not sit till December."

THE HON. SRI K. MADHAVA MENON :—" I want to tell hon. Members that if we have business, we will sit to-morrow and also day after to-morrow. The other House is meeting only on the 26th of this month. The idea of putting off this Bill to the next session (Sri B. Narayanaswami Nayudu : ' Next sitting ') is not desirable or proper. Technically, my friends may say that they have received copies only yesterday. As a matter of fact, every one knows the contents of this Bill as it was originally published in the Gazette, and as it subsequently emerged from the select committee and from the Assembly. If it is simply to assert our rights of getting more time, it may not be done on this particular Bill. Hereafter, I do not think there will be much room for the complaint. We hope to have joint select committees in such important matters. We request you to take three days. Work should go on for three days. Mr. Suryanarayana Rao questioned about the urgency of this Bill. It is true that the Bill was published in January. But it was on the agenda of the Assembly for more than a month, and it could not be taken up because of other more important Bills. The select committee considered this Bill. This matter has been thoroughly thrashed out at the select committee

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stage and also in the Assembly after it emerged from the select committee. As my hon. friend said the labour members were particular to see that the rights of labourers were protected. Mr. Narayanaswami Nayudu wants perhaps to represent the other side—capitalist. That is why he wants time. (Interruption by Sri B. Narayanaswami Nayudu.) The course suggested by the Hon. Minister for Industries is that we may have the general discussion on the provisions of the Bill to-day. Any amendments my friends may like to move may be handed over to you till to-morrow morning. We agree to that and we will consider what can be done. The question that they want time to give notice of amendments need not stand in the way. I am sure Mr. Suryanarayana Rao would have known about the details of the Bill. We need not unnecessarily waste the rest of the day. We can go on with the consideration of this Bill. The urgency as you were pleased to say, is for the shop assistants. Mr. Suryanarayana Rao asked, having waited for so much time could they not wait for a few months more. I say, Sir, if we have committed a mistake earlier, we need not commit it now also. We can pass this Bill as early as we can. That is my answer to Mr. Suryanarayana Rao."

MR. PRESIDENT:—"Apart from that technical fact, this Bill consists of a number of clauses, and naturally members would like to have some time to go through it, and see whether they can give any amendments or not. We cannot shut out the rights of members . . ."

THE HON. SRI K. MADHAVA MENON:—"As a matter of fact, every one of us has gone through this Bill, Sir."

MR. PRESIDENT:—"What I am trying to present is this. Any member present here will not take notice of this Bill sufficiently early for the purpose of giving amendments till the other House has passed this Bill."

THE HON. SRI K. MADHAVA MENON:—"That is why I am suggesting time for amendments till to-morrow 11 o'clock."

MR. PRESIDENT:—"You cannot say that their request for time is unreasonable. The other House is meeting on the 26th. If you think this Bill is really urgent, what is the objection to our meeting two days earlier and finishing off this Bill and also the Non-Power Factories Bill?"

THE HON. SRI K. MADHAVA MENON:—"There are four holidays intervening, Sir—penultimate Saturday and Mohurram holidays. Some of us are also going to Delhi. We will be back on the 20th. If we have a meeting on the 25th, some of our friends may not have time to start after Mohurram. That is why we have requested the Hon. Speaker also to fix the meeting on the 26th."

K. UPPI SAHIB BAHADUR:—"It is only a matter of accommodation, Sir. We have been accommodating the Government several times. This is an occasion when the Opposition wants some

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time to consider this Bill, because this is a measure which concerns the poor people. My hon. Friend opposite was telling that this Bill was thrashed out in the other House."

MR. PRESIDENT :—" You need not worry about that."

K. UPPI SAHIB BAHADUR :—" Sir, the Bill that is before the House is not the Bill that was published in the Gazette. It is a different Bill. We want time, and it is only a very reasonable demand."

MR. PRESIDENT :—" The only point we are to consider is if these two Bills are not taken up there will be no work for us. There is absolutely no point in having all of you here and having no work to do. If you think it is necessary, I have no objection to take amendments till 11 o'clock to-morrow."

THE HON. SRI K. MADHAVA MENON :—" I want to tell you, Sir, one thing. With regard to the rules amendment, if before 3 o'clock to-day there are no nominations received, and if you make your announcement to-day after 3 p.m., we hope the select committee will finish its work soon as there may not be much trouble in that; I shall give notice of it for to-morrow's work and this Bill may be taken up day after to-morrow."

MR. PRESIDENT :—" I am prepared to take it up even to-morrow; but so far as to-day's work is concerned unless we take up these two items of business there is no work for us."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, this is a Bill which affects so many interests, the capitalists, the workers and State organizations. It is a vital matter which has to be gone into with great care and in detail. Reference was made to the select committee. We do not know what happened in the select committee. We have not been given a copy of the select committee's report. Perhaps we may be told that we are not entitled to it. Evidently, if the Government do not want our views and suggestions in this matter, if they want to ignore us, they can proceed with the measure even now as they have got the strength of votes."

THE HON. SRI H. SITARAMA REDDI :—" There is no question of ignoring the valuable discussion in this House. I want to assure hon. Members that the Government are anxious to hear the criticism of this House and its valuable advice on this measure."

SRI P. R. K. SARMA :—" On a point of information, Sir. No Hon. Minister of this House was on the select committee of this Bill. So no opportunity was available for this House to make any alterations in the Bill. Unless there is a general discussion first and we hear the reply of the Hon. Minister, it will not be possible to give notice of amendments to the Bill."

THE HON. SRI K. MADHAVA MENON :—" Sir, I do not want it should be thought that we want to rush through things or do things as we like. If there is a feeling that there has not

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been sufficient time for this House to consider this measure, we have no objection to have the general discussion of the Bill tomorrow and if, after that, hon. Members feel that the further discussion should be postponed to the next sitting, I have no objection."

THE HON. SRI H. SITARAMA REDDI :—" Sir, I move—

' that the Madras Shops and Establishments Bill, 1947 (L.A. Bill No. 15 of 1947), as passed by the Assembly, be taken into consideration at once.'

" Sir, this Bill was originally published in the *Fort St. George Gazette* as early as January 1947. The Bill next came up before the Assembly and was referred to the select committee. The select committee examined the Bill, and it was passed in the Assembly just two days ago. Sir, hon. Members, at least such of them as have followed the discussions of that House, must have known what great interest was evinced by the labour members and others in this Bill. Sir, before 1939, persons employed in shops, commercial undertakings, restaurants, etc., were not included within the scope of labour legislation in India. It is only after 1939 that the Bombay Government first introduced the Bill called the Bombay Shop Assistants and Establishments Bill, and afterwards, the Government of Sind, the Punjab and Bengal also followed up with similar legislation. Right from that time the Madras Government has been contemplating the introduction of a measure which will go to help the shop assistants and allied workers. The whole object of the Bill is to see that these workers in shops and other commercial undertakings get facilities like other workers, and so this Bill proposes to fix the hours of work, rest period, the hours of opening and closing of places of business, and holidays with pay, regular payment of wages and the rest. This important measure, when passed, will give the shop assistants the much-needed relief. I know there are some enlightened establishments which already take a lot of interest in the welfare of their shop assistants, but there are others which do not provide necessary facilities to their workers. This Bill, when passed, will make it compulsory on them to provide necessary amenities, and then the shop assistants can claim leave with pay as a matter of right, and also they will get better conditions of living. I am sure when hon. Members discuss the Bill, they will suggest means of administering the measure effectively and Government will only be too glad to accept all valuable suggestions. I may assure hon. Members that Government will take every care to see that the spirit of the Act is adhered to in working it. Sir, the details of the Bill are available in the Bill itself, and when the Bill is taken up clause by clause there will be plenty of opportunity to speak about the various aspects of the measure, like the hours of work, rest and the like. I move that the Bill be taken into consideration at once."

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SRI B. NARAYANASWAMI NAYUDU :—“ Sir, from the Hon. Minister I would like to know how this Bill will affect the capitalists, how many shops will have to be closed, how many shops there are in the city, how many shop assistants there are in all who require this protection of a Bill, and how many there are in the municipalities and the like. May I request him to give us some more facts and figures?”

THE HON. SRI K. MADHAVA MENON :—“ May I make one more suggestion, Sir, regarding the programme of work. I have also been consulting some of the hon. Members on the other side and they have no objection. My hon. friend has introduced the Shops and Establishments Bill and those who want to talk on the general principles of the Bill to-day may do so. I request, Sir, that this Bill may be taken up the day after to-morrow. There ^{8 p.m.} are two other Bills which we have to pass, namely, the Places of Public Resort (Amendment) Bill and the Local Boards (Amendment) Bill which are more or less of a non-controversial nature. We may take them up to-morrow and finish them and this Bill may be taken up the day after to-morrow. If the Hon. President is agreeable to this, this may be adopted, Sir.”

MR. PRESIDENT :—“ I am agreeable to any programme.”

K. UPPI SAHIB BAHADUR :—“ I agree with the Hon. Minister for Agriculture, Sir, that we will take up the general discussion of this Bill to-morrow and if not possible to adjourn it for the next meeting . . .”

MR. PRESIDENT :—“ If anybody is prepared to speak now he can speak.”

THE HON. DR. P. SUBBARAYAN :—“ What has been said by my colleague is this, Sir. As the hon. Members seem to think that they want time to give notice of amendments on both the Non-Power Factories Bill and the Shops and Establishments Bill, they will have the whole of to-day and the next day to give notice of amendments on both the Bills, both of which may be taken up for passing into law the day after to-morrow. If you will allow it, Sir, to-day and to-morrow there may be a general discussion on this Bill as well as the Non-Power Factories Bill, so that the general discussion will be over and the voting on clause by clause may be taken up on Saturday. With regard to the other two small Bills, they might be passed to-morrow. Now in the afternoon discussion may go on, on this Bill.”

MR. PRESIDENT :—“ We will go on with general discussion now and voting on the clauses will be taken up the day after to-morrow on both the Bills. I will give you time for giving notice of amendments on both the Bills till to-morrow.”

K. UPPI SAHIB BAHADUR :—“ Suppose we only partly discuss it to-morrow?”

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THE HON. DR. P. SUBBARAYAN :—" The general discussion will be to-morrow and then it may be taken clause by clause the day after to-morrow."

MR. PRESIDENT :—" On the general principles of the Bills there will be general discussion to-morrow. We will take up amendments the day after to-morrow on both the Bills. There will be general discussion on both the Bills to-morrow. If we finish both the Bills by the day after to-morrow, well and good. I think it is generally acceptable to the House."

SRI M. D. KUMARASWAMI MUDALIYAR :—" How can we take up the other two Bills when we have not finished the discussion on this Bill, Sir? "

MR. PRESIDENT :—" It is open to the Government to do that. We will finish general discussion and then go on with the other Bills. The other two Bills are non-controversial and we can finish them."

THE HON. SRI K. MADHAVA MENON :—" The Hon. the Minister for Industries will move the first reading of the Non-Power Factories Bill also to-morrow formally, Sir."

MR. PRESIDENT :—" We will change the order of the Agenda. The other two Bills will be put first to-morrow and this will come afterwards."

THE HON. SRI K. MADHAVA MENON :—" He will move the Non-Power Factories Bill to-morrow, Sir, so that amendments to that Bill may be given to-morrow before 5 o'clock."

K. UPPI SAHIB BAHADUR :—" There will be a motion to-morrow that the Bill be taken into consideration. Before we finish that motion, can we take up another matter? We must come to some conclusion about it."

* * * * *

*** SRI S. B. ADITYAN :—**" Mr. President, it is somewhat unfortunate that this important Bill which affects the working classes so vitally has had so far a chequered career. I mean, Sir, it was originally drafted by Mr. Giri, then it was handled by Dr. Rajan and now again it has changed hands. It is somewhat like the changing of the Captain of the ship in mid-ocean but let us hope that it has now come into safe hands. The Hon. Minister has said that this Bill gives relief to the shop assistants. With due respect to the Hon. Minister, I have got to point that this Bill does not give relief to the shop assistants but merely provides an opportunity to the Government to give relief.

" Now, reading through the whole of this Bill one particular and special feature of this Bill cannot escape the attention of hon. Members and it is this. There are very few specific provisions, in fact, there is only one and that is this provision of 36 days of holidays in the year for the shop assistants and other workers

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affected by the Bill. Except for that one solitary specific provision all the other provisions are of a general nature. It will depend on the particular minister and on the particular Government in power as to how much of the benefits will actually accrue to the worker. Sir, the Hon. Minister himself said that a good deal would depend on how the Act is administered. It will be open to the Hon. Minister to make something or nothing of it and I hope something will be made out of it. I will take a few instances to show how most of the provisions are of a very general nature and a good deal depends on the Government as to whether any benefit will actually be passed on to the working classes.

“ From the beginning of the Bill where these definitions occur up to the final or the penultimate clause, most of the sections except that one solitary instance which I mentioned, are of a general nature vesting discretion in the Government. Now looking at the definition of the word ‘ establishment ’—of course ‘ establishment ’ is a very important word here and in the very definition itself we see that the commercial establishment, among other things, will include such other establishments as the Provincial Government may by notification declare to be commercial establishment for the purpose of this Act. What establishments will be affected by this Act, what classes of workers among these workers will have the benefit of this Act will depend on a notification of a future date which the Government will publish. That is about commercial establishments.

“ Coming to sub-clause (6), ‘ establishment ’ again will include such establishment as the Provincial Government may by notification declare to be an establishment. Whether it is an establishment or a commercial establishment to which the Act will apply will depend mostly on the Hon. Minister who will be in charge of the Bill and this Department later on.

“ Here is another clause which similarly throws a very heavy onus on the Government. ‘ Nothing contained in this Act shall apply to . . . establishments under the Central and Provincial Governments, local authorities, the Reserve Bank of India, the Federal Railway Authority or a railway administration. . . . ’ A good number of establishments, such as the Government Printing Press, the Public Works Department workers and many others are thus straightway taken out of the scope of the Act. It will depend on the attitude of the Minister whether this particular classes of workers will have the benefit of the Act, and the relief intended by this Act. The Bill goes on to say again: ‘ Nothing contained in this section shall apply to such chemists’ or druggists’ shops as the Provincial Government may by general or special order specify.’ Employees in the chemists’ and druggists’ shops will be ‘ entitled to the 36 days of leave as any other shop assistants but it will be open to the Government by a general or special order to exclude the chemists’ or druggists’ shops. Again this illustrates as to how much the working of the Act will depend on the particular Minister who is going to be in charge of the department.

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Section 5 says : ' Notwithstanding anything contained in section 4, the Provincial Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in that section, other than those mentioned in clause (c) and (f) of sub-section (1) and modify or cancel any such notification.' You come to the same thing again. As I said in the beginning, throughout the whole of this Bill, from the definitions up to the final clause, it is going to depend only on the personality of the Minister-in-charge, whether these workers will get any relief at all, some relief or no relief. I think the Hon. Minister while introducing the Bill said something to the effect that the Bill provided for the late opening and early closing of the shops. I am rather surprised to find that in the Bill there is no such provision.

3.15
p.m.

" I wonder, Sir, whether the Hon. Minister has actually read through this particular portion, because what it says is that Government will have the power to say when the shop ought to be opened and when closed. It says—

' 7. (1) Save as provided by or under any other enactment for the time being in force, no shop shall on any day be opened earlier or closed later than such hour as may be fixed by the Provincial Government, by a general or special order in that behalf.'

" One would have expected some provision here for not opening a shop, say before 10 o'clock in the morning and for not keeping it open after 6 o'clock. It is going to depend on the Minister whether shops will be opened at 6 o'clock in the morning or 10 o'clock in the morning. The Government in power can even say that shops shall be kept open till midnight.

" Then Sir, the Bill goes on to say—

' 7. (3) The Provincial Government may, for the purpose of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.'

" This is again another concrete instance of a provision of a very general nature. It gives a kind of weapon in the hands of the Minister and it is open to him to use it for the good or for the bad of the classes intended to be benefited.

" Sir, there are many establishments other than shops and they are covered by Chapter III. Here also similar provisions have been made as in the case of shops. They are :

' 13. (1) Save as provided by or under any other enactment for the time being in force, no establishment shall on any day be opened earlier or closed later than such hour as may be fixed by the Provincial Government by general or special order in that behalf.'

' 13. (3) The Provincial Government may, for the purpose of this section, fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.'

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"I think, the Hon. Minister also said that there were provisions in the Bill by which workers will be enabled to work under well-ventilated and healthy conditions. But the provisions relating to the ventilation of the buildings are of a general nature. The clause says :

'21. The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.'

"What will be the standards that will be prescribed will depend on how this Act will be worked by the persons in power.

"There is one other peculiarity about the Bill. It says very little about wages. There is nothing in the Act to show that the worker is entitled to a particular wage. No minimum wage is fixed. It merely says how it shall be paid. In what manner does it benefit a worker if he gets only Rs. 5 or Rs. 10 a month? It is left entirely to the discretion of the employer. This defect should be rectified when the administration of the Act comes to be considered.

"The only good provision, as I said in the beginning, is the specific provision of 36 days holidays. That is welcome. The whole working in all other respects has been left in a nebulous state. The penultimate clause says :

'52. On any special occasion in connexion with a fair or festival or a succession of public holidays, the Provincial Government may, by notification, suspend for a specified period the operation of all or any of the provisions of this Act.'

"We have now a new Minister for Labour and the working of the whole Act depends on him and let us hope that he will bring to bear new enthusiasm and new vision on his work consistent with the spirit of the times, and use this weapon that is now given to him for the benefit of the working classes."

* SRI C. N. MUTHURANGA MUDALIYAR :—"Mr. President, Sir, I rise to present one aspect of this Bill. I neither want to speak in support of the Bill or in opposition to the Bill. No doubt, as a member of the Party to which I belong, I am bound to support it, but still it is not in the matter of supporting this Bill that I want to speak.

"Sir, this Bill gives various benefits to shop assistants. The Government at first wanted to give ten days casual leave and ten days sick leave, but the Bill as it has emerged from the Assembly now gives, as Mr. Adityan has pointed out, 36 days holidays. That means that every employer who runs a shop, a chemists' or drug-gists' shop, a grain shop or a cloth shop, whoever it is, has to employ more men to conduct his business, if all the shop assistants are to be given the holiday sanctioned in this Bill. Where is the employer going to find the money from? He is not going to find

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it from out of his profits, but he will increase the prices of his commodities and the consumers will be affected. Like the Sales Tax, this Shop Assistants' Bill also will affect the consumers. When a patient wants to buy some medicine, the medicine whose price is already high nowadays will cost still more. The price of grains, cloth, provisions, everything will go up on account of this Bill. So, the consumers alone stand to lose; they will get the same quantity of material but the prices will be higher.

"I must at this point mention one aspect of the Co-operative movement. The Provincial Co-operative Bank at Madras lends to the Central Banks in the districts at 3 per cent per annum and the Central Banks lend to the rural banks at $4\frac{1}{2}$ to 6 per cent per annum. One and a half per cent is taken by the Central Banks. Whatever may be the justification for it, I am not going to discuss it here. But they lend to the rural banks at $4\frac{1}{2}$ per cent and even at 5 or 6 per cent. The excuse is that the establishment charges have risen high and they cannot allow less than $4\frac{1}{2}$ or 5 per cent. The result is the primary borrower—the ryot or the villager for whom the Provincial Co-operative Bank, the District Bank and the Rural Bank were started—has ultimately to borrow at the rate of 6 to 8 per cent per annum, a rate higher than the rate charged by the much-abused private money-lender, who lends at 5 or 6 per cent. If the benefits mentioned in the Bill are conferred on the employees of the Co-operative Banks, then the interest they will have to charge will be much higher. This will affect the consumers. That is one aspect of the Bill which I wanted to put before the House to-day.

"Sir, hon. Members here in the Assembly are always very careful to advance the interests of the labourers, the shop assistants, the teachers, the non-Gazetted Officers and so on and so forth. But the interests of the general consumer, the general masses of the people are not in their minds or their brains at all. The general run of legislators, especially the nominated and elected members of the Opposition in this House, do not look to the interests of the common man. That is the point of view that I want to present to the House, before a vote is taken on the matter."

SRI P. R. K. SARMA :—"Are the workers not common men, are they not part of the general masses of the people?"

MR. PRESIDENT :—"The hon. Member may speak on it."

* SRI R. SURYANARAYANA RAO :—"Sir, it may not be news to the hon. Member, Mr. Muthuranga Mudaliyar, if I tell him that I am also a consumer belonging to the general mass of the population for whom he shed so many tears. But, Sir, I think Mr. Muthuranga Mudaliyar brought in unnecessarily Co-operative Banks and tried to prove that the passing of this Bill would lead to increase in the rate of interest charged by these banks."

MR. PRESIDENT :—"I do not think the hon. Member meant that kind of thing."

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* SRI C. N. MUTHURANGA MUDALIYAR :—" Sir, what I said was this. If this Act applies to the clerks and assistants employed by the Co-operative Banks and they are entitled to the privileges of leave, etc., mentioned here, more men will have to be employed. That would mean additional expenditure on salaries and allowances. Then the bank will have to raise the rate of interest from 4 or 5 per cent. in order to meet the increased expenditure involved by this Bill."

* SRI R. SURYANARAYANA RAO :—" May I assure my hon. Friend that long before this measure was thought of, the Co-operative Banks have already been following certain leave rules and granting certain privileges which in some places are much more generous than those provided in the Bill. That apart, the common complaint which Mr. Muthuranga Mudaliyar advances is that if these provisions are given effect to, the cost of management of the establishments will increase, which will necessitate the establishments charging a higher cost for the supplies made by them, and therefore the consumer will be affected. Sir, none of us can say that we are consumers only or producers only. If we contribute by our labour to produce something we also consume what others produce. As my hon. Friend Mr. Sarma has said, the workers by working for a certain number of hours contribute for the growth of the establishment. Then are they not entitled to a few amenities as human beings and should they not be given periods for rest, adequate number of holidays and so on, so that they may live like human beings and not be driven to work for hours without interruption as they do, Sir, in some of the establishments in the City?

" Sir, I am glad that this Bill has been brought forward. How I wish it had received precedence over many other Bills which we have been asked to adopt in this House. This Bill was conceived so far ago as 7th January 1947 and I do not know why it has taken so much time for the Government to introduce it formally in the other House, while it could have been passed earlier and the benefits which my Hon. Friend Mr. Madhava Menon wished to confer by passing this Bill this session might have been conferred earlier.

" My hon. Friend Sri S. B. Adityan referred to certain lacunae in the Bill. I entirely agree with him. I think it would have been wise for the Government to fix an hour beyond which no shop or establishment shall be kept open. By the omission, it looks as if the Government propose to fix under the rules different hours for different shops and establishments. In the Bombay Act, 9 p.m. is the hour fixed for the closure of all shop and establishments. As has been pointed out already, there is no provision in the Bill for giving children and young persons rest after four hours of work just like the other workers. All these and such other omissions as we hope to point out by the amendments which we propose to move could have been avoided if the Government had spent a little more time. After the Bill was published in the

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gazette, I am afraid it went into cold storage. It was not brought out of the cold storage till perhaps the Commissioner of Labour was confronted with some problem relating to some establishment. Otherwise, perhaps it would have remained there for ever. With a little more time, the Government could have framed a very good and generous measure and make the employees of shops and establishments feel that after all they got what they deserve and for which they have been crying so long.

" This Bill is only a copy of the Bombay Act except for some omissions which we notice which may be deliberate or due to oversight. I don't think this Government have got experience of enacting and enforcing such a measure. Such information as we possess about the working of the Bombay Act shows that if at all our Bill should have been more liberal than the Bombay Act. Any way we are very thankful to the Government, for the lot of these poor shop assistants, especially those employed in restaurants and eating houses, is indescribable. I hope that the observance of the provisions of this Bill will bring some relief and benefit to the employees in shops and establishments. I do not want to refer to any more provisions of the Bill, and if any amendments are necessary we shall give notice. With these words I support the motion."

SRI P. R. K. SARMA :—" Though a member of the party in office which has introduced the Bill, I belong to a definite group which has taken every opportunity to criticize the Government. I am here representing the interests of the workers. In the Congress Party there are various elements—employers, workers, etc. We have the general good of the community at heart. I welcome the introduction of this Bill. A legislation of this nature has been long overdue. Labour has been demanding the introduction of a Bill of this kind for a long time. Legislation of this character was introduced in the other provinces before the war when responsible Governments were functioning. Madras was lagging behind and we had occasion to criticize the Government more than once. Though after considerable delay, I am glad that this legislation has been introduced. As my hon. Friend Sri Suryanarayana Rao pointed out, the Bill was drafted by Mr. Giri. If it had been introduced before the war, it would have been one of the first pieces of social legislation in the new legislature. But the Government have their own other problems to deal with and I am not prepared to blame them for the delay. But the delay has its own advantages. In this one piece of legislation, the Government have incorporated many facilities which the workers require. The first requirement is the security of service. One of the clauses definitely provides for it. The workers cannot be dismissed without notice and also without sufficient justification. There is also provision for appeal against dismissal. The workers are allowed twelve days' casual leave in a year. I am not satisfied with twelve days; I would like to have a month and we will certainly claim for more. But 12 days is far ahead of the minimum laid down by

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International conventions. This is the first piece of legislation for shop assistants and commercial employees. Twelve days in the present circumstances is certainly a long stride.

" Twelve days' sick leave has been provided for. Sickness is one of the social insecurities against which the workers have got to be protected. But these 12 days is sought to be adjusted to sickness and periods of incapacitation due to accident. I do not know whether the word ' accident ' is used in the technical or the general sense. Suppose a shop assistant or commercial employee, while on his way to the office, meets with an accident. If the word is used in the sense in which it is used in the Workmen's Compensation Act, the accident must be construed as one sustained in the course of employment while on duty and not outside the course of employment. Here there is room for doubt. Absence for sickness due to accidents should be treated separately from normal sickness. If the leave for absence due to accidents is also adjusted towards these 12 days, it will affect the already existing liberal conditions. Under the Workmen's Compensation Act, the period of incapacity arising out of accidents sustained in the course of employment and while on duty is limited to a maximum of five years. If it is going to be curtailed to 12 days and if the normal sick leave also is adjusted to these 12 days, it would adversely affect the existing conditions. When amendments were moved in the Assembly so as to enable the shop assistants and commercial employees to have the benefit of all the privileges available to the workers under the Workmen's Compensation Act, it was pointed out that that Act was a Central Act and that nothing could be done in the Assembly. But here 12 days' leave is provided for normal sickness and also for sickness due to accidents. As I pointed out, under the Workmen's Compensation Act, if a worker is incapacitated, he has got to be supported for five years.

" My friend pointed out that a large number of shops and establishments have been left out. There are a large number of undertakings run by the Government which are in a very deplorable condition so far as the rights and privileges of the workers are concerned. In these days when the Government want to nationalize and conduct every industry for the good of the community, the Government are the largest employers. Therefore the privileges given to the shop assistants and commercial employees should be extended to the employees in the Government undertakings also. When the question of employees in Government undertakings is raised here or outside, the people are generally influenced by the conditions of service of non-gazetted employees. Outside the rank of non-gazetted employees who are governed by the Fundamental Rules and Civil Service Regulations, there are hundreds and thousands of workers who are recruited as non-regular Government employees and who have no privileges at all. For example, there are the marina gardeners. They do not come under any Act, rule or regulation and they do not get the privileges

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3-45 p.m. enjoyed by the other Government servants. The exclusion of workers employed in the Central and Provincial Government undertakings is not fair; and the provisions should be dropped.

"As I said, in this one measure, the Government have provided for security of service, sick leave and holiday with pay, protection against unreasonable fines and other deductions from the earned wages of the workers, etc. I most heartily welcome this and I am glad that the party to which I belong has brought forward this progressive measure, though it does not entirely satisfy us.

"Then, Sir, there are other social insecurities against which the working classes, whether they are shop assistants or commercial employees have to be protected. One of the causes of social insecurities is the absence of provision against old age, retirement and death. A measure of this kind should make provision for compulsory provident fund or for schemes of compulsory insurance or for schemes of gratuity and pension. Unfortunately there is no provision in this Bill for any of these schemes. I hope, Sir, that the Government will see that necessary provisions are made for old age, retirement, death and other exigencies."

MR. PRESIDENT :—"What kind of provision does the hon. Member want against death?"

SRI P. R. K. SARMA :—"What I mean, Sir, is that provision should be made for widows and orphans being granted pensions or gratuities or something of that sort so that the loss of earnings sustained by the death of a person to the family might be mitigated and compensated. I want that some such social legislation must be brought forward.

"My hon. Friend Mr. Muthuranga Mudaliyar, I have the greatest respect for him because he is my leader and he is also one of those interested in every section of the community. I am sure, he will not misunderstand me when I say this, because I know he has got every sympathy for those people for whom we want to plead. He said that if we grant all these privileges, more hands will have to be employed. Sir, that is the expression he used, which symbolizes the way in which these employees and workers are looked at by friends like Mr. Muthuranga Mudaliyar even in these days. Sir, we are not machines; we are not bolts and nuts; we are not inanimate things; but we are human beings possessing the same human feelings and the same human hearts and requiring the same human wants as others and therefore it is indeed a pity how the views of people who are very sympathetic to the toiling and suffering humanity have not undergone any transformation. I am sure, Sir, that Mr. Muthuranga Mudaliyar will sympathize with these people and when he looks at the whole question from our point of view, he will be able to advance their claims much better than we are able to do. He said that more men would have to be employed if these concessions are given to the employees. We are certainly agitating for the reduction of hours of work so that people who are unemployed may get some

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employment and thus the problem of unemployment could be solved to some extent. It is because, Sir, that under-employment exists in certain undertakings, that there is so much unemployment in the country to-day. If 50 people are required in an establishment, and if only a less number of people are employed, or if there is no leave reserve, or if people fall sick, or go on casual leave, then necessarily these people will have to do the work of the 50 people and to that extent a certain number of people will be unemployed, and to that extent the problem of unemployment will be made more acute. If any measure like this is brought forward before the Legislature which will enable more people to be employed in such undertakings and which will minimize the hardships and sufferings of the employees, leaders of country like my hon. Friend Mr. Muthuranga Mudaliyar must welcome it and not feel sorry for it.

"Then he said, Sir, that if these concessions are granted, the cost of production of articles would increase and that it would be transferred to the consumers just like the sales tax. I submit, Sir, that the profits that any undertaking or industry makes should be shared between these three people, the capitalists, the workers and the consumers. So far, only the capitalists, the employers and those who have invested money in industries were getting all the benefits of rationalization and all other advantages accruing to them by various circumstances and developments, but it was forgotten that the workers are also entitled to at least one-third of the benefits and advantages, if not the whole, and that is why we were having all these troubles between capital and labour and all these strikes and lock-outs.

"Sir, it must also be remembered that the workers and employees are also consumers. They form the bulk of the population. If you pay more to the employees, they will have greater purchasing power, and they will buy more. There will thus be more production and the whole process will go round and round. It is just like a vicious circle. Unless these people who form the bulk of the community have the necessary purchasing power, they will not be able to buy. Then what is the use of producing more. You have simply to store them up in warehouses. Every advantage given to the workers and employees and every improvement made in their service conditions will certainly increase the cost of production, but that is no reason why we should deny such advantages to them, which are long overdue.

"Sir, this is the first piece of social legislation of the kind for which we have been agitating for a long time. It is long overdue and I am glad that the party in power and the Government have come forward with this legislation. While we should like it to be improved in many respects and while we certainly feel that we do not find all the things that we would like to have in it, I am sure the working class people and the shop assistants and the thousands of commercial employees will really be thankful to the Government for this piece of legislation and I therefore heartily support the introduction of this Bill."

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* SRI K. VENKATASWAMI NAYUDU :—“ Mr. President, Sir, I welcome this measure as one which will give the much-needed relief to the shop assistants. When we are discussing an important measure like this, we must also realize that the total output of the workers in this country must be very great. These holidays and these facilities for relaxation to the workers should not be taken as merely giving them less working hours and therefore less production. The world expects and our country expects that all people must put the greatest amount of exertion, especially at this critical juncture to see that this country also attains the highest level of production and does not lag behind other countries. So, Sir, when these holidays are given, it must be realized by the workers that they are given these advantages more as an encouragement for them to see that their output is intensified than otherwise. That is to say, if they are now given 8 hours of work instead of 12, their outturn during these 8 hours should be the same as their outturn in the 12 hours which they have been showing before. Otherwise there is no justification for giving them such advantages.

“ Mr. President, this measure helps the shop assistants, but what about the employers? The employer is at times helpless against these shop assistants. Suppose one morning the employer finds that his shop assistant comes before him and tells “ Good-bye, Sir, I am going ”, then how is he to carry on his business. There is no protection or relief given to the employer at all under this Bill. If any protection is sought to be given, it must be given to both the parties. It is absolutely essential that the employer also must be given the necessary safeguards to carry on his work without interruption. But this Bill is one-sided. Only the shop assistants are helped and not the employer. Now-a-days we feel that we do not get the proper sort of people and the result is that a lot of work which ought to be done by them is not done and the employers are greatly handicapped. Therefore, Sir, it is necessary that the employers also should be afforded sufficient protection so that they may serve the public in the way in which they have been serving.

“ Sir, the hours of work and the holidays given under this Bill are very generous. Thirty-six holidays are given with pay besides the weekly holidays which come to about 52 in a year, with provision for half-holidays on certain occasions. I can tell you, Sir, that many of the shop assistants now-a-days are getting more holidays. But of course there are some employers who might be very strict and might not give their assistants the leave that is necessary. It is good, Sir, that at least these holidays are given and if more holidays are wanted by the employees to recuperate their health, the employers are prepared to give. What we should do is to see that these holidays are made the best use of, for recuperating their health and not wasted away, and that more work is turned out in compensation.

“ Sir, one thing I want to mention in this connexion. This shortening of hours of work in shops is bound to be disadvantageous

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to the public because it may not be possible to keep all the shops open for long hours and facilitate the buying public. For this purpose it may be necessary to arrange for a system of shifts, but many of the concerns cannot afford to do so. It means greater working expenses, but I think under the circumstances, it cannot be avoided.

"On the whole, Sir, I think this legislation is one that ought to have come earlier, but we are glad that at least it has come now and the Government have taken very great powers under this Act. I am sure they will use it to the best advantage of all concerned and see that the business is accelerated and not retarded. At the same time the Government must use their best offices to see that the workers are advised to maintain their outturn and that the loss of working hours will not be considered as anything lost by the employers. I welcome this Bill, Sir, as providing the much-needed relief to the shop assistants."

VI.—ANNOUNCEMENT *RE* ELECTION OF MEMBERS TO THE SELECT COMMITTEE TO CONSIDER THE AMENDMENTS TO COUNCIL RULES.

MR. PRESIDENT :—"I have to inform the House that the following six gentlemen were nominated for election to the Select Committee to consider the amendments to the Madras Council Rules :—

- (1) Sri B. Veeraswami.
- (2) Sri S. K. Satagopa Mudaliyar.
- (3) Sri H. M. Jagannatham.
- (4) Sri S. Jayarama Reddiyar.
- (5) Dr. U. Rama Rao.
- (6) K. Uppi Saheb Bahadur.

"As the number of candidates nominated is equal to the number of vacancies to be filled, namely, six, I hereby declare the abovementioned gentlemen to be duly elected under Regulation II (4) of the Regulations for the holding of elections by means of the single transferable vote.

"Under rule 135 of the Madras Council Rules, the President, the Deputy President and the Leader of the House are ex officio members of the Select Committee and I have to nominate a Chairman of the Council to serve on the Committee. I hereby nominate Mr. M. Narayana Rao as a member of the Committee.

"The Committee will sit this evening in my room immediately after the House rises.

"The House will now adjourn to meet to-morrow at 11 a.m. The discussion on the Madras Shops and Establishments Bill will go on to-morrow, after finishing two small Bills."

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 1. *Elections—Municipal Councils—Anakapalle, Ellore, Gudiyattam and Karaikudi—Conduct—Instructions issued—G.O. No. 1714, L.A., dated 10th October 1947.*